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09/543,063	04/05/2000	Marretta Marie Misstretta	200-0249	7228

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EXAMINER
CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/543,063	Applicant(s) MISSTRETTA, MARRETTA MARIE
	Examiner Kelly Campen	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 04/05/2000 is/are: a)☒ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it is too long and states that which may be implied. See below for further explanation. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is **a concise statement** of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure

sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: on page10, line 28 and page 11, lines 5, 8, and 14, Applicant should correct "Korna" to read –Krona--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said plurality" in line 36. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said quote" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said spread" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "finite" in claim 1 is a relative term which renders the claim indefinite. The term "finite" is not defined by the claim, the specification does not provide a standard for

ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. While the term "finite" on its own is clear, when used as "finite plurality" it becomes indefinite.

Specifically as to claim 1, "a net amount of currency exchange transactions" is indefinite as it is unclear the metes and bounds of the claim. Additionally, "to decrease currency exposures on said first predetermined time frame" is unclear what is meant by this step in the claim.

Further, the phrases "to buy or sell" and "to sell or buy" with in the same step are confusing and vague, is the entity buying or selling? It is conceivable by this language that it could buy the first currency and the second and sell neither. This is not disclosed in the specification and as such should be corrected. Also, "for buying or selling" and "for selling or buying" is vague and indefinite. In lines 31-32, Applicant claims "and other currencies, this includes both first and second currencies. Line 27 includes "at least obtaining" it is unclear what this defines. In line 29, "at least determining" is unclear language. Applicant should correct.

Specifically as to claim 5, "at least...said entities" is vague and the metes and bounds of the claim are unclear.

In addition, in claim 5, the "buy or sell" and "sell or buy" langue is confusing. See above for claim 1 rejection. Also, "outside entity" is not defined. There is no inside entity defined.

Specifically as to claim 6, "buy or sell" and "sell or buy" should be corrected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Boesch et al.(US 5897621).

Specifically as to claim 1, Boesch et al. disclose a method of conducting exchanges of currencies for a finite plurality of entities, at least two of the entities being in jurisdictions having differing currencies (col. 2, lines 55-65), comprising: evaluating the currency exchange requirements of a first entity having a first currency during a first predetermined time frame for buying currencies other than the first currency (col. 2, line 65 to col. 3, line2); communicating the currency exchange requirements of the first entity to a central currency exchange management entity (see col. 3, lines 25-35); evaluating the currency exchange requirements of at least a second entity having a second currency during the first predetermined time frame for buying or selling the second currency and selling or buying currencies other than the second currency (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35, col. 4, lines 8-15 and lines 60-65); communicating the currency exchange for buying or selling the second(col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35); obtaining a rate of exchange for buying or selling the first (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35); obtaining a rate of exchange for buying or selling the second (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35); determining a net amount of currency exchange transactions required to buy or sell the first; determining a net amount of currency exchange transactions

required to buy/sell the second; and executing the net currency exchange by having the central currency exchange management entity execute with an entity (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35, col. 5 lines 1-20, col. 6, lines 10-16, col. 7, lines 19-22).

Specifically as to claim 5, Boesch et al. discloses a method of conducting exchanges of currencies for a plurality of entities at least two of the entities being in jurisdictions having differing currencies (col. 2, lines 55-65), comprising: evaluating the currency exchange requirements of a first entity having a first currency during a first predetermined time frame for buying currencies other than the first currency (col. 2, line 65 to col. 3, line2); communicating the currency exchange requirements of the first entity to a central currency exchange management entity (see col. 3, lines 25-35); evaluating the currency exchange requirements of at least a second entity having a second currency during the first predetermined time frame for buying or selling the second currency and selling or buying currencies other than the second currency (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35, col. 4, lines 8-15 and lines 60-65); obtaining a quote of a rate of exchange for selling or buying the first and buying or selling the second; obtaining a quote of a rate of exchange for selling the second currency; and executing the net currency exchange by having the central currency exchange management entity execute with an entity (col. 2, lines 55-65, col. 2, line 65 to col. 3, line2, col. 3, lines 25-35, col. 5 lines 1-20, col. 6, lines 10-16, col. 7, lines 19-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al. (US 5897621) over Potter et al. (US 5787402).

Specifically as to claim 2, Boesch et al. discloses as in claim 1 above but does not specifically disclose wherein a quote is obtained from a published price. Potter et al. teaches a method for performing financial transactions involving foreign currencies wherein the quote is from a published price (see Potter et al. col. 2). It would have been obvious to one of ordinary skill in the art at he time the invention was made to obtain quotes form published prices because Potter et al. teaches it is well known to acquire foreign exchange rates via a newspaper, or the internet.

Specifically as to claim 3, said quote is an ask price of a bid ask quote, see Potter et al. col. 2 and above rejections for claims 1 and 2.

Specifically as to claim 4, said quote is a bid price of a bid ask quote, see Potter et al. col. 2-6, and above rejections for claims 1 and 2.

Specifically as to claim 6, said spread between a bid ask quote is credited to an account of the central currency exchange management entity, see Potter et al. column2-5.

Specifically as to claim 7, central currency exchange management entity is credited with a spread of the bid and ask quote of the rate of exchange of a net amount, see Potter et al. col. 2-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Downing et al. (US5963647) disclose a method and system for transferring funds form an account to an individual. Earle (US5262942) discloses a financial transaction network. Eng et al. (US6188993) disclose a system and method for creating and managing a synthetic currency. Heinzle et al. (US6199046) disclose a method for performing real time currency conversion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (703) 308-0780. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Kelly S. Campen
5 September 2003